

EXHIBIT A

Hi, I am enclosing a FOIA request, below. Please let me know if I can be of any help in explaining this or narrowing it.

Many thanks,

Danielle

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Submitted online

FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq ("FOIA"), I request copies of (or access to) documents pertaining to the Digital Health Software Precertification (Pre-Cert) Program (hereafter known as the Records), in particular:

- All email correspondence between Jan. 1, 2017, and the present, that includes Bakul Patel and Linda Ricci at the FDA and any parties with email addresses containing the following domain names and also any of the following keywords (or variants of these keywords.)

Domain names:

[@apple.com](#)

[@fitbit.com](#)

[@jnj.com](#)

@peartherapeutics.com

@phosphorus.com

@roche.com

@samsung.com

@tidepool.org

@google.com

@verily.com

Keywords:

precertification

pre-cert

apps

software

apple watch

sensor

reset

reset-o

fitbit

afib

sleep

smart watch

digital therapeutics

Digital health

algorithm

smartwatch

ECG

EKG

I am a reporter for The New York Times, an accredited and recognized newsgathering organization. I request the Records to inform the public about matters of public concern.

FOIA requires that your agency respond to this request within 20 business days. This request is segregable, and your agency may not withhold entire records because of one section that you believe is exempt from disclosure. Under federal law, if you choose to withhold any such parts of the records from disclosure, you must specify in a written response the factual and legal basis for withholding any part of the Records.

I am further requesting that the Records be provided to me on computer files in the same format as they are currently maintained at the agency, pursuant to *Burka v. Dept. of Health & Human Svcs.*, 87 F.3d 508 (D.C. Cir. 1996). As you know, providing documents electronically is cheaper than mailing hard copies.

I request a fee waiver and expedited processing.

Please contact me if I may assist in your office's response to this request.

Yours,

Danielle Ivory